

WORLD INTELLECTUAL PROPERTY ORGANIZATION International Bureau



INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification 6:

A61F 2/44

(11) International Publication Number:

WO 97/14378

(43) International Publication Date:

24 April 1997 (24.04.97)

(21) International Application Number:

PCT/US96/16086

A3

(22) International Filing Date:

8 October 1996 (08.10.96)

(30) Priority Data:

08/543,563

16 October 1995 (16.10.95)

08/603,676

US 20 February 1996 (20.02.96) US

- (71) Applicant: DANEK MEDICAL, INC. [US/US]; 1800 Pyramid Place, Memphis, TN 38132 (US).
- (72) Inventors: VAN HOECK, James; 754 Tealwood Lane, Cordova, TN 38018 (US). McDONALD, Troy; 3939 Meade Lake Road, Millington, TN 38053 (US). COATES, Bradley, J.; 1760 Nuckolls Road, Rossville, TN 38066 (US). HAID, Regis, W., Jr.; 2995 Devonshire Place, Atlanta, GA 30327 (US). HEIM, Stephen, E.; 1305 Carlton, Wheaton, IL 60187 (US). FOLEY, Kevin; 2877 Keasler Circle W., Germantown, TN 38139 (US). ECKSTEIN, Eugene, C.; 2330 Kempton Drive, Germantown, TN 38139 (US).
- (74) Agents: KNOLL, Deborah, R. et al.; Woodard, Emhardt, Naughton, Moriarty & McNett, Bank One Center/Tower, Suite 3700, 111 Monument Circle, Indianapolis, IN 46204 (US).

(81) Designated States: AL, AU, BA, BB, BG, BR, CA, CN, CU, CZ, EE, GE, HU, IL, IS, JP, KP, KR, LC, LK, LR, LT, LV, MG, MK, MN, MX, NO, NZ, PL, RO, RU, SG, SI, SK, TR, TT, UA, UZ, VN, ARIPO patent (KE, LS, MW, SD, SZ, UG), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, ML, MR, NE, SN, TD, TG).

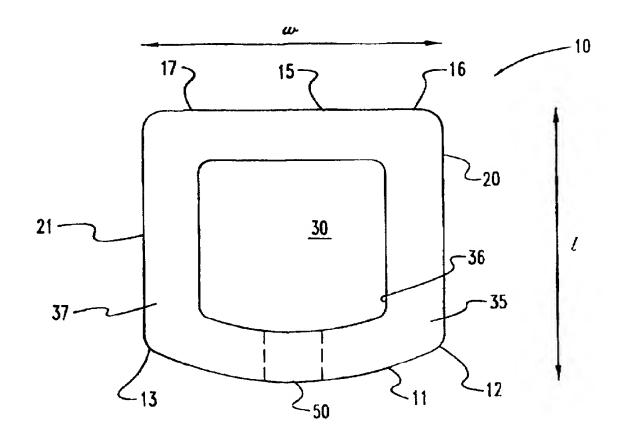
Published

With international search report.

Before the expiration of the time limit for amending the claims and to be republished in the event of the receipt of amendments.

(88) Date of publication of the international search report: 7 August 1997 (07.08.97)

(54) Title: INTERVERTEBRAL SPACERS



(57) Abstract

One embodiment of a hollow spinal spacer (10) includes a curved anterior wall (11) having opposite ends (12, 13), a posterior wall (15) having opposite ends (16, 17), two lateral walls (20, 21), each integrally connected between the opposite ends (12, 13, 16, 17) of the anterior (11) and posterior (15) walls to define a chamber (30). The walls (11, 15, 20, 21) include a superior face (35) and an inferior face (40). The superior face (35) defines a first opening (36) in communication with the chamber (30) and includes a first vertebral engaging surface (37). The inferior face (40) defines a second opening (41) in communication with the chamber (30) and includes a second vertebral engaging surface (42).

FOR THE PURPOSES OF INFORMATION ONLY

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

AM	Armenia	GB	United Kingdom	MW	Malawi
AT	Austria	GE	Georgia	MX	Mexico
AU	Australia	GN	Guinea	NE	Niger
BB	Barbados	GR	Greece	NL	Netherlands
BE	Belgium	HU	Hungary	NO	Norway
BF	Burkina Faso	IE	Ireland	NZ	New Zealand
BG	Bulgaria	IT	Italy	PL	Poland
BJ	Benin	JP	Japan	PT	Portugal
BR	Brazil	KE	Kenya	RO	Romania
BY	Belarus	KG	Kyrgystan	RU	Russian Federation
CA	Canada	KP	Democratic People's Republic	SD	Sudan
CF	Central African Republic		of Korea	SE	Sweden
CG	Congo	KR	Republic of Korea	SG	Singapore
CH	Switzerland	KZ	Kazakhstan	SI	Slovenia
CI	Côte d'Ivoire	LI	Liechtenstein	SK	Slovakia
CM	Cameroon	LK	Sri Lanka	SN	Senegal
CN	China	LR	Liberia	SZ	Swaziland
CS	Czechoslovakia	LT	Lithuania	TD	Chad
CZ	Czech Republic	LU	Luxembourg	TG	Togo
DE	Germany	LV	Latvia	TJ	Tajikistan
DK	Denmark	MC	Monaco	TT	Trinidad and Tobago
EE	Estonia	MD	Republic of Moldova	UA	Ukraine
ES	Spain	MG	Madagascar	UG	
FI	Finland	ML	Mali	US	Uganda United States of America
FR	France	MN	Mongolia	UZ	
GA	Gabon	MR	Mauritania	VN	Uzbekistan
	-	.,,,,,,	**************************************	Ald	Viet Nam

inter nal Application No PCT/US 96/16086

A. CLASSII	FICATION OF SUBJECT MATTER A61F2/44		
-	•		
According to	o International Patent Classification (IPC) or to both national classification	cation and IPC	
	SEARCHED	(slortmus m	
IPC 6	ocumentation searched (classification system followed by classification A61F	n symbols	
Documentat	tion searched other than minimum documentation to the extent that st	ich documents are included in the fields se	arched
Electronic d	lata base consulted during the international search (name of data base	and, where practical, search terms used)	
Electronic o			
C. DOCUM	MENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the re	levant passages	Relevant to claim No.
X	WO 95 08306 A (SYNTHES AG) 30 Mar see page 8, line 22 - page 10, li	ch 1995 ne 3	1-5 6-14, 17-20,22
	see page 4, line 4 - line 5 see claim 40 see figures 3,4,16		
Y	WO 94 26893 A (GENETICS INSTITUTE, INC.) 24 November 1994 cited in the application see page 1, line 16 - line 28 see page 13, line 2 - line 20		6-14, 17-20,22
A	FR 2 710 519 A (ROBINE ET AL) 7 April 1995 see abstract; figures		1
A	US 5 397 364 A (KOZAK ET AL) 14 N see the whole document		23,36
		-/	
X Fu	rther documents are listed in the continuation of box C.	X Patent family members are listed	in annex.
'A' docu	categories of cited documents: ment defining the general state of the art which is not sidered to be of particular relevance.	"T" later document published after the in or priority date and not in conflict we cited to understand the principle or invention	ith the application but
"E" carlie	er document but published on or after the international g date ment which may throw doubts on priority claim(s) or	"X" document of particular relevance; the cannot be considered novel or cannot involve an inventive step when the	ot be considered to locument is taken alone
whice citate "O" docu	ch is cited to establish the publication date of another ion or other special reason (as specified) iment referring to an oral disclosure, use, exhibition or means	"Y" document of particular relevance; the cannot be considered to involve an indocument is combined with one or in ments, such combination being obvi	nventive step when the nore other such docu-
P docu	ment published prior to the international filing date but than the priority date claimed	in the art. "&" document member of the same pater	
	he actual completion of the international search	Date of mailing of the international	search report
	16 May 1997	2 6.	06. 97
Name and	d mailing address of the ISA European Patent Office, P.B. 5818 Patentiaan 2 NL - 2280 HV Rijswijk	Authorized officer	
	Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Smith, C	

3

Inter mai Application No
PCT/US 96/16086

C(C	DOCUMENTO CONTRACTOR TO THE TOTAL TOTAL TO THE TOTAL	PC1/02 96/16086	
Lategory *	tion) DOCUMENTS CONSIDERED TO BE RELEVANT Citation of document, with indication, where appropriate, of the relevant passages		
	of accounting with indication, where appropriate, of the relevant passages	Relevant to claim No.	
A	US 4 834 757 A (BRANTIGAN) 30 May 1989 see column 6, line 40 - column 7, line 26; figures 7,8	42	
P,A	WO 95 31947 A (SPINE-TECH, INC.) 30 November 1995 see abstract; figure 2	42	
A	WO 94 04100 A (SOFAMOR) 3 March 1994 see page 11, line 12 - line 16; figure 5	49	
A	WO 90 00037 A (MICHELSON) 11 January 1990 see page 15, line 32 - page 16, line 20; figures 15-17	49	
į			

ernational application No.

PCT/US 96/16086

Box 1	Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)
This Int	ternational Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:
1.	Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:
2.	Claims Nos.: because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3.	Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).
Box II	Observations where unity of invention is lacking (Continuation of item 2 of first sheet)
This Int	ernational Searching Authority found multiple inventions in this international application, as follows:
3.	Claims: 1-22 A hollow spinal spacer containing material to promote bone growth. Claims: 23-42 A hollow spinal spacer having lateral and anterior surfaces corresponding to the shape of a vertebral end plate. Claims: 42-48 A hollow spinal spacer with lateral wings. Claims: 49-57 A hollow spinal spacer with cutting blades.
1. X	As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2.	As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3.	As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4.	No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:
Remark o	The additional search fees were accompanied by the applicant's protest. X No protest accompanied the payment of additional search fees.

information on patent family members

Inter onal Application No
PCT/US 96/16086

			and the second s
Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9508306 A	30-03-95	BE 1007549 A CA 2151481 A EP 0670702 A JP 8503876 T	01-08-95 30-03-95 13-09-95 30-04-96
WO 9426893 A	24-11-94	AU 6910794 A BR 9406716 A EP 0698095 A FI 955420 A JP 9501305 T NO 954525 A	12-12-94 06-02-96 28-02-96 08-01-96 10-02-97 09-11-95
FR 2710519 A	07-04-95	NONE	
US 5397364 A	14-03-95	AU 7921794 A CA 2172638 A CN 1137232 A EP 0725607 A WO 9510248 A ZA 9407959 A	04-05-95 20-04-95 04-12-96 14-08-96 20-04-95 22-05-95
US 4834757 A	30-05-89	US 4743256 A AU 614609 B AU 3436389 A DE 3876909 A EP 0307241 A JP 3503133 T WO 8909035 A US 4878915 A	10-05-88 05-09-91 16-10-89 04-02-93 15-03-89 18-07-91 05-10-89 07-11-89
WO 9531947 A	30-11-95	AU 1841095 A CA 2191089 A EP 0760639 A US 5609636 A	18-12-95 30-11-95 12-03-97 11-03-97
WO 9404100 A	03-03-94	FR 2694882 A AU 4964593 A CN 1090485 A ZA 9306156 A	25-02-94 15-03-94 10-08-94 19-09-94

information on patent family members

Inter nal Application No
PCT/US 96/16086

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9000037 A	11-01-90	AT 119015 T AU 3965489 A CA 1333209 A CA 1337842 A DE 68921482 D DE 68921482 T EP 0425542 A EP 0734702 A EP 0637439 A JP 3505416 T US 5609635 A US 5522899 A	15-03-95 23-01-90 29-11-94 02-01-96 06-04-95 20-07-95 08-05-91 02-10-96 08-02-95 28-11-91 11-03-97 04-06-96